

REMARKS/ARGUMENTS

The amendments set out above and the following remarks are responsive to the points raised by the Office Action dated October 4, 2005. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

The Pending Claims

Claim 9 has been added, so that claims 1-9 remain pending.

Claim 8 has been amended, and claim 9 has been added, to describe the invention more clearly. No new matter has been added, and the basis for the amended claim language may be found within the original specification, claims and drawings.

The amended claim language in claim 8 is supported by, for example, original claim 1. New claim 9 is supported by, for example, original claims 1 and 8.

Indentations have been inserted into claims 1, 5 and 8 in order to improve readability.

Allowable Subject Matter

Applicant is pleased to note the Office Action indicates claim 8 to be allowable if rewritten in independent form including the limitations of the base claim and any intervening claim, and to include the Examiner's suggested amendments. Claim 8 has been rewritten in independent form as noted above.

The Office Action

Claims 1-7 were rejected under 35 U.S.C. § 103 as unpatentable over WO 00/49299 to Leon et al. in view of U.S. Patent No. 6,004,065 to Higdon et al. (hereinafter referred to as, "Higdon"). In these remarks, discussion of WO00/49299 will be with reference to the U.S. national stage patent of WO00/49299, U.S. Patent No. 6,827,536 (hereinafter referred to as, "Leon").

This rejection is respectfully traversed.

A *prima facie* case of obviousness requires that the proposed combination of references teach each and every element of the claims and that there is a motivation to combine the references. Because there is no motivation to combine the references, the § 103 rejection cannot be maintained.

The Office Action correctly acknowledges that Leon does not teach a notch on the head of the male piece that receives a component projecting from the head of the female piece, the component comprising a resilient and axially-deflectable finger at its free end. According to the Office Action, Higdon teaches a device joining at least two panels together, comprising an anti-rotation apparatus with locked and unlocked positions which are facilitated by tabs 70 that extend from a clip assembly 30, and which have bent-like finger portions at their free ends. The Office Action also holds that the fingers are deflectable in an axial direction with respect to the shaft axis of the washer member 50 and engage a recess 68 in the head of the male piece so as to prevent accidental rotation of the male piece within the female piece. The Office Action characterizes the washer member 50 as a male piece and the clip assembly 30 as a female piece.

The Applicants assert, however, that this locking clip system of Higdon is not combinable with the device of Leon. Thus, one of ordinary skill in the art would not be motivated to combine Higdon with Leon, and the § 103 rejection set forth in the Office Action is erroneous.

Leon discloses a device for assembling two panels comprising a female piece that can be engaged in holes that pass through the stack of panels (e.g., Figure 3). The female piece has two prongs that can elastically separate from one another (e.g., col. 5, lines 45-50). Leon also discloses a male piece that can be axially inserted into the female piece (e.g., Figure 2). The male piece has a cam that is engageable between the tabs of the female piece and rotatable between an angular position of non-separation of the tabs and an angular position of separation of the tabs (e.g., Figure 7; col. 7, lines 29-37).

Higdon, in contrast, teaches a locking clip system for securing two panels (12, 14) together. The Higdon locking clip comprises a clip assembly 30 that is fitted in one of the keyhole slots 22 of pedestal 14. A bolt or screw 36 fastens the clip assembly 30 to the underside of the panel 12 (col. 2, lines 56-62). In order to accomplish this, the clip assembly 30 includes a washer member 50 which is securely fastened to the clip member 40 by tabs 70 on the member 40 and engaged in recesses 68 of the washer member 50 (col. 3, lines 21-38). The clip assembly 30 with the washer member 50 fastened to it is assembled to the panel 14 by engagement of the washer portion 58 at the end of the washer member 50 in keyhole slots 22 provided in the panel 14 (Figure 2). For excluding rotation of the clip assembly 30 on the panel 14, the clip assembly 30 is provided with a transverse projecting portion 42 which

engages in an aperture 38 in panel 14. Before engaging the washer portion 58 in the keyhole slots 22 of panel 14, the assembly 30 has been fastened to the underside of the panel 12 by a bolt or screw 36 engaged in the washer member 50 and threaded into holes 72 in the panel 12 (Figure 1; col. 3, lines 43-57).

Moreover, it is the *tab portions 48* inserted into holes 74 in panel 12 that keep the clip assembly 30 fastened to and properly positioned on the panel 12 through the bolt 36 (col. 3, lines 50-53). The tabs 70 of the clip member 40 are therefore not provided for impeding rotation of the clip assembly 30 on the panel 12 by engagement in the recesses 68. This function is fulfilled by the tab portions 48 of the clip member 40 engaged in the holes 74 of panel 12. When the panel 14 is disassembled from panel 12, the projecting portion 42 of the clip member 40 may be simply be forced out of the apertures 38 in the panel 14 (col. 4, lines 3-6).

Thus, the tabs 70 of Higdon are not provided to prevent accidental rotation of a male piece in a female piece, as claimed, because this is accomplished by engagement of the projections 48 of the clip member engaged in the holes 74 of panel 12. In Higdon, the tabs 70 are provided for axially immobilizing the washer member 50 in the clip member 40, but not for preventing premature rotation. Since neither Higdon nor Leon teaches preventing rotation using a projecting component on a female piece that engages in a notch on a male piece, the proposed combination of references does not teach each and every element of the claims, and accordingly, the § 103 rejection cannot be maintained.

Furthermore, in order for the tabs 70 and the clip assembly 30 to be properly characterized as the claimed projecting component and the female piece, respectively, the clip assembly 30 provided with the tabs 70 must functionally correspond to the female piece of the claimed fastening device. Likewise, the washer member 50 must functionally correspond to the male piece of the present claims. In the claimed fastening device, the female piece includes a hollow foot which can be engaged in the holes that pass through said stack of panels. The hollow foot has two tabs that can separate into a position for holding together a stack of panels.

The clip assembly 30 of Higdon, in contrast, does not correspond to this female piece of the present claims because it is a strip-like member (as best seen in Figure 3) which is not engaged in holes that pass through a stack of panels. The clip assembly 30 of Higdon is a strip-like member that is applied to the surface of the panel 12. The washer member 50 is not

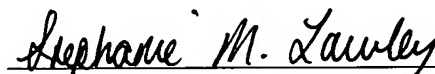
comparable to the male piece of the claims because it does not deform the clip assembly or separate any tabs to hold together a stack of panels, as claimed.

Since Higdon does not teach a finger belonging to a female piece and engaged in the notch of a male piece for the purpose of preventing rotation between the two pieces, Higdon does not lead one of ordinary skill in the art to provide the fastening device of Leon with a projecting component engageable in a notch, as claimed in independent claims 1, 8 and 9. Accordingly, the § 103 rejection cannot be maintained.

Since the independent claims are allowable for the reasons set forth above, the dependent claims are also allowable because they depend from allowable independent claims.

For the reasons set forth above, reconsideration is respectfully requested.

Respectfully submitted,



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Date: Jan. 4, 2006

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